

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:17-cr-0192-SEB-DML
)	
KYLE L. WILLIAMS,)	- 01
)	
Defendant.)	

REPORT AND RECOMMENDATION

On October 11, 2018, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on September 19, 2018. Defendant Williams appeared in person with his appointed counsel Dominic Martin. The government appeared by Jeff Preston, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Troy Adamson.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Williams of his rights and provided him with a copy of the petition.
2. After being placed under oath, Defendant Williams admitted violation nos. 3, 4, 5, and 6. [Docket No. 40.]
3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
3	<p>“You shall not use or possess alcohol.”</p> <p>As previously reported to the Court, on January 26, 29, and February 4, 11, 12, 14, 15, and 19, 2018, Mr. Williams provided positive breath tests for alcohol as reported by the Soberlink monitoring program. Mr. Williams admitted consuming alcohol on or about those dates.</p>
4	<p>“You shall be monitored by mobile alcohol monitoring, such as Soberlink, for a period of 180 days, to commence as soon as practical, and shall abide by all the technology requirements.”</p> <p>As previously reported to the Court beginning January 22, 2018, through February 5, 2018, Mr. Williams failed to comply with all testing requirements of the Soberlink monitoring program. With the exception of 5 days, Mr. Williams missed at least one test per day, thus failing to provide four daily breath tests as scheduled.</p> <p>On February 24, 2018, at 10:43 p.m., and 10:51 p.m., February 25, 2018, at 11:04 a.m., and 10:54 p.m., February 26, 2018, at 7:14 a.m., 5:00 p.m., and 10:34 p.m., February 27, 2018, at 6:41 p.m., and February 28, 2018, at 5:23 p.m., someone other than Mr. Williams blew into the Soberlink monitoring device as evidence by a picture of the individual.</p> <p>Beginning February 6, through March 6, 2018, (29 days), Mr. Williams failed to provide the required four daily breath tests as scheduled on each of those days.</p>
5	<p>“You shall complete 10 hours of community service month for six months, beginning May, 2018. The probation officer shall supervise the participation in the program by approving the program (agency, location, frequency of participation, etc.). You shall provide written verification of completed hours to the probation officer.”</p> <p>Mr. Williams has not provided the probation officer with written verification of completing any community service hours for the months of July and August 2018.</p>
6	<p>“You shall not use or possess alcohol.”</p> <p>Mr. Williams has not provided the probation officer with written verification of attending Alcoholics Anonymous meetings for the months of July and August 2018.</p>

4. The government moved to dismiss violation nos. 1, and 2 and the same were granted.

5. The parties stipulated that:

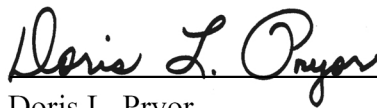
- (a) The highest grade of violation is a Grade C violation.
- (b) Defendant's criminal history category is V.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 7 to 13 months' imprisonment.

5. The parties jointly recommended a sentence of seven (7) months with no supervised release to follow. Defendant requests placement at FCI Milan. Due to security issues, defendant does not want to be placed at FCC Terre Haute.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of seven (7) with no supervised release to follow. The Defendant is to be taken into custody immediately pending the District Judge's action on this Report and Recommendation. The Magistrate Judge will make a recommendation of placement at FCI Milan or a facility other than FCC Terre Haute.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties have fourteen days after being served a copy of this Report and Recommendation to serve and file written objections with the District Judge.

Date: 10/11/2018


Doris L. Pryor
United States Magistrate Judge
Southern District of Indiana

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